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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,457	01/26/2004	Markus Forsthuber	22771	8602
535	7590	12/20/2005	EXAMINER	
THE FIRM OF KARL F ROSS 5676 RIVERDALE AVENUE PO BOX 900 RIVERDALE (BRONX), NY 10471-0900			PARSLEY, DAVID J	
			ART UNIT	PAPER NUMBER
			3643	
DATE MAILED: 12/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/765,457	FORSTHUBER, MARKUS	
	Examiner David J. Parsley	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 October 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 7 and 8 is/are allowed.
 6) Claim(s) 1-6 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 26 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Amendment

1. This office action is in response to applicant's amendment dated 10-14-05 and this action is final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

No. 6,640,718 to Duguet et al. in view of U.S. Patent No. 6,289,813 to Duguet et al.

Referring to claim 1, Duguet et al. '718 discloses a heating element for igniting a pyrotechnic charge comprising, a base body – at 17,25,26, a structured strip shaped resistance layer – at 29,30, and contact fields – at 32,33, overlapping at ends thereof – see for example figure 3, for applying a current pulse to the heating element, wherein the heating element has a mass, specific resistance and a specific heat – see for example figures 1-3. Duguet et al. '718 does not disclose the specific resistance is 1×10^{-6} to 2×10^{-6} . Duguet et al. '813 does disclose the specific resistance is 1×10^{-6} to 2×10^{-6} – see for example column 2 lines 42-45. Therefore it

would have been obvious to one of ordinary skill in the art to take the device of Duguet et al. '718 and add the specific resistance being 1×10^{-6} to 2×10^{-6} of Duguet et al. '813, so as to allow for the heating element to be quick acting. Duguet et al. '718 further does not disclose the mass of the heating element is 1×10^{-9} kg to 4.0×10^{-9} kg and further does not disclose the specific heat capacity is 100 W/(kg K) to 400 W/(kg K). However, these limitations are found through experimentation and it would have been obvious to one of ordinary skill in the art to take the device of Duguet et al. '718 and add the mass of the heating element being 1×10^{-9} kg to 4.0×10^{-9} kg and the specific heat capacity being 100 W/(kg K) to 400 W/(kg K) so as to allow for the device to be quick acting and durable.

Referring to claim 2, Duguet et al. '718 as modified by Duguet et al. '813 does not disclose the heating element has a cross sectional area of 3.5×10^{-10} m² to 7.0×10^{-10} m². However, this is a limitation found through experimentation and it would have been obvious to one of ordinary skill in the art to take the device of Duguet et al. '718 as modified by Duguet et al. '813 and add the heating element having a cross sectional area of 3.5×10^{-10} m² to 7.0×10^{-10} m² so as to allow for the heating element to be of sufficient size for causing ignition and making the heating element durable.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duguet et al. '718 as modified by Duguet et al. '813 as applied to claim 1 above, and further in view of U.S. Patent No. 6,269,745 to Cieplik et al.

Referring to claim 3, Duguet et al. '718 as modified by Duguet et al. '813 does not disclose the resistance layer is composed of a sintered Ag/Pd resistance paste or a sintered Ag/Au/Pd resistance paste containing 30 to 50 mass% Ag and 35 to 50 mass% Pd, or sintered

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Pt/W resistance paste containing 70 to 90 mass% Pt and 5 to 20 mass% W. Cieplik does disclose a heating element made of a paste – see for example column 2 lines 50-62. Duguet et al. ‘718 as modified by Duguet et al. ‘813 and Cieplik does not disclose the paste is sintered Ag/Pd, Ag/Au/Pd or Pt/W. However, these limitations are found through experimentation and it would have been obvious to one of ordinary skill in the art to take the device of Duguet et al. ‘718 as modified by Duguet et al. ‘813 and Cieplik and add the paste being sintered Ag/Pd, Ag/Au/Pd or Pt/W, so as to allow for the device to quickly ignite and be made of a smaller geometry.

Referring to claim 6, Duguet et al. ‘718 as modified by Duguet et al. ‘813 does not disclose the contact fields are composed of sintered AgPd or AgPt thick-layer conductor paste with Pd or Pt proportions between 1 and 10 mass%. Cieplik does disclose the heating element can be made of a paste as seen in column 2 lines 50-62. Duguet et al. ‘718 as modified by Duguet et al. ‘813 and Cieplik does not disclose the paste is AgPd or AgPt with Pd or Pt proportions between 1 and 10 mass%. However, these limitations are found through experimentation and it would have been obvious to one of ordinary skill in the art to take the device of Duguet et al. ‘718 as modified by Duguet et al. ‘813 and Cieplik and add the paste being AgPd or AgPt with Pd or Pt proportions being 1 to 10 mass%, so as to allow for the device to quickly ignite and to be made of a smaller geometry.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duguet et al. ‘718 as modified by Duguet et al. ‘813 as applied to claim 1 above, and further in view of U.S. Patent No. U.S. Patent No. 6,324,979 to Troianello.

Referring to claims 4-5, Duguet et al. ‘718 as modified by Duguet et al. ‘813 does not disclose the base body is composed of a high temperature resistant glass or glass ceramic or

ceramic with a thermal conductivity of at most 2 W/(m K) and a heat barrier is applied to the base body which is comprised of glass or glass-ceramic layer of thickness of 20 to 80 micrometers and a thermal conductivity of at most 1.5 W/(m K). Troianello does disclose the base body is composed of a high temperature resistant glass or glass ceramic or ceramic with a thermal conductivity – see for example columns 1-8 and a heat barrier – at 16, applied to the base body made of glass or glass-ceramic – see for example figure 1 and column 4. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Duguet et al. ‘718 as modified by Duguet et al. 813 and add the base body and heat barrier of glass or ceramic of Troianello, so as to allow for the device to automatically ignite quickly. Duguet et al. ‘718 as modified by Duguet et al. ‘813 and Troianello does not disclose the thermal conductivity of the base body is 2 W/(m K) and the thermal conductivity of the heat barrier is 1.5 W/(m K). However, these are limitations that are found through experimentation and it would have been obvious to one of ordinary skill in the art to take the device of Duguet et al. ‘718 as modified by Duguet ‘813 and Trqianello and add the thermal conductivity of the base body being 2 W/(m K) and the thermal conductivity of the heat barrier being 1.5 W/(m K), so as to allow for the device to automatically ignite quickly.

Allowable Subject Matter

3. Claims 7-8 are allowed.

Response to Arguments

4. Regarding claim 1, applicant argues that the increase of mass of the heating element of the present invention overcomes the prior art of Duguet et al. US 6289813 and Duguet et al. US 6640718, in that the increased mass of the heating element provides a safer and more reliable device. However, it is deemed that the device of the combination of the Duguet et al. references '813 with the '718 reference would perform equally as well with the heating element having a mass between 1.0×10^{-9} kg to 4.0×10^{-9} kg, in that this range of masses is of a very small quantity and thus the design of the '813 and '718 references would not be altered to include a heating element with this range of masses.

Further, the remainder of applicant's arguments rely upon applicant making assumptions on the scale of the drawing figures of the '813 and '718 references and assumptions on the material properties of these devices. The '813 and '718 devices do not disclose to what the scale of the figures is and further does not disclose enough about the dimensions and material properties of the devices to justify the assumptions made by the applicant. The examiner agrees that the drawing figures of the '813 and the '718 devices are not to scale however, since these arguments are based on assumptions they are not persuasive.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DP

David Parsley
Patent Examiner
Art Unit 3643



PETER M. POON
SUPERVISORY PATENT EXAMINER

12/14/05